

**DAVIE POLICE DEPARTMENT**

**MEMORANDUM**

TO: Chief John George

DATE: 06-09-99

FROM: Lt. Ed Taylor

THRU: Chain of Command

SUBJECT: Tower Shops/Car Show

The Special Op's Unit received a complaint from Charles Buckel, of 7529 SW 26 Court. Mr. Buckel's initial complaints were directed to Code Enforcement, and then finally he made personal visit to Ofc. Labelle at the Police Department. Mr. Buckel's complaint focused on loud noise from the parking lot at Tower Shops on Friday nights.

After speaking with Mr. Buckel, Ofc. Labelle who is assigned to the area, including the Tower Shops, began to monitor the parking lot. Ofc. Labelle determined the noise was not coming from the car show disc jockey, but rather from vehicles, primarily low riders, that parked in the parking lot to visit the car show, but in no way were associated with the car show itself. Officers Labelle and Spates attempted to gain compliance by speaking with the individuals from this low rider car club and believed they were getting their cooperation.

While Ofc. Labelle was monitoring the problem, Mr. Buckle wrote a letter to Mayor Venis. The first letter from Mr. Buckel was dated November 16, 1998. His complaint primarily focused on, "noise pollution", which he described as "low frequency beating sound" that he indicated was coming from the Tower Shops parking lot. Ofc. Labelle composed a letter to Mr. Buckel identifying what he had determined to be the cause of the noise, and assured Mr. Buckel that we were determined to resolve the problem and assist him in any way possible.

On December 21, 1998, Mr. Buckel, wrote a second letter to Mayor Venis, indicating he had seen an improvement in the level of noise associated with the car show, indicating it was now at a "tolerable level". However, he wanted to complain about the noise caused by, "operators of hot rods, muffler less vehicles, trucks and vans equipped with built in noise systems designed to put out maximum pulsating sounds, and vehicles with low chassis scraping the parking lot surface with sparks flying along with resultant noise, etc." Also addressed in this second letter were Mr. Buckel's complaints about the, "collection of commercial displays", referring to the vendors as unauthorized business operations.

A second letter was drafted to Mr. Buckel by myself, and signed by then Acting Chief of Police Robert McDaniel. I explained that we have officers present to monitor the noise level and to enforce any and all violations of the State Law that pertain to the operation of vehicles. I explained that the Community Policing Unit and the afternoon Road Patrol Units were aware of his concerns and would work together in an enforcement effort.

Following this second letter to Mr. Buckel, the Community Policing Unit, organized a special enforcement project which consisted of members from the COP Unit, Traffic Unit, and officers from Charlie Shift during the Road Patrol overlap. The focus was on the 200+ low rider vehicles and spectators. We emphasized and enforced all traffic violations and alcohol violations. We also met with Mr. Mike Lepurage, the car show coordinator, who immediately offered his full cooperation and assistance. Additionally, we initiated a working partnership with Bob Harris, of Code Enforcement, who was investigating the vendor violations.

The following information summarizes our actions during the month of February 1999:

05 Feb 99 - 23 Uniform Traffic Citations were issued.  
12 Feb 99 - 17 Uniform Traffic Citations were issued.  
19 Feb 99 - 20 Uniform Traffic Citations were issued, 5 parking citations, and 3  
Notices to Appear for alcohol violations.  
26 Feb 99 - 20 Uniform Traffic Citations were issued., and 5 Notices to Appear.

We noted the problems were diminishing but continued our enforcement efforts during the month of March. Those efforts were as follows:

05 March 99 - 28 Uniform Traffic Citations were issued, and 12 Notices to Appear.  
12 March 99 - 4 Uniform Traffic Citations were issued, 7 Notices to Appear, and 2  
Felony arrests, that were alcohol related and involved resisting arrest  
charges.  
19 March 99 - 15 Uniform Traffic Citations were issued, and 8 Notices to Appear.

The majority of the Uniform Traffic Citations, 127 issued, (90%) were members of the low rider car clubs. The violations were primarily equipment violations, window tinting, improper starts, and using the hydraulic lifters while operating the vehicles on the roadway. The remaining violators (10%) were car show participants. These violations were predominately for improper starts, speed too fast for conditions, and equipment violations.

The Notices to Appear (35) were issued for alcohol related violations, primarily open containers, with the majority of the violators being car show participants and guests of the car show. The Notices to Appear were not issued until after warnings and announcements were made for two consecutive weeks. The announcements included warnings that open containers of alcoholic beverages were violations and

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would be enforced. The warnings were made over the loud speaker system and personally by officers when they contacted patrons in possession of alcoholic beverages.

All of this was the result of the efforts of the Special Op's Unit and Charlie Shift personnel. It was noted that the problems had greatly reduced and as of March 26, the monitoring was turned over to Charlie Shift for "maintenance enforcement". I have not been advised of any further problems or been requested by Charlie Shift Supervisors to return to the Tower Shops.

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Office of the Mayor  
& Town Council

Administration 797-1030  
Administration Services 797-1020  
Budget & Finance 797-1050  
Community Services 797-1145  
Development Services 797-1103

Engineering 797-1113  
Fire Department 797-1090  
Police Department 797-1200  
Public Works 797-1240  
Utilities 433-4000

TOWN OF DAVIE

6591 Orange Drive, Davie, Florida 33314-3399

(954) 797-1000

Form # 622

also see  
611

Business, Residential Concern / Complaint

Date 1st Reported: 2-15-99

Name: Charles Buckel

Address: \_\_\_\_\_

Telephone #: 452-1942

Routed To: (1.) Bob Adams 2/16/99

(2.) \_\_\_\_\_

(3.) \_\_\_\_\_

(4.) \_\_\_\_\_

Brief summary of concern / complaint: \_\_\_\_\_

Please Call & Advise what  
we are doing

Resolved: ☒ YES ☐ NO

Date Resolved: Response on 6/11

Follow-Up Phone Call: ☐ YES ☐ NO

Date of Follow-Up Call: 2/26/99 - called Mr. Buckel on behalf  
of Mayor & adv. that he was working  
on it & vendor were put on notice

Please Return Form Within 48 Hours To **Harry Venis**

An Equal Opportunity Employer



**Office of the Mayor  
& Town Council**

Administration 797-1030  
Administration Services 797-1020  
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Police Department 797-1200  
Public Works 797-1240  
Utilities 433-4000

**TOWN OF DAVIE** 6591 Orange Drive, Davie, Florida 33314-3399

(954) 797-1000

Form # 645  
Cell 622

Business, Residential Concern / Complaint

Date 1st Reported: 3-24-99

Name: Charles Buckel

Address: \_\_\_\_\_

Telephone #: 452-1947

Routed To: (1.) BOB RAWLS 3/25/99  
(2.) 3/30/99  
(3.) \_\_\_\_\_  
(4.) \_\_\_\_\_

Brief summary of concern / complaint: \_\_\_\_\_

RE: Vendors, Please make sure  
The Vendors Do not Sell Goods  
OUT DOORS.

Resolved: ☒ YES ☐ NO

Date Resolved: \_\_\_\_\_

Follow-Up Phone Call: ☐ YES ☐ NO

Date of Follow-Up Call: \_\_\_\_\_

Please Return Form Within 48 Hours To **Harry Venis**

**MEMORANDUM**

TO Mark Kuntz Development Services Director Town of Davis	FROM Charles A. Buschel 1954-452-1947
DATE March 13, 1999	SUBJECT

**MESSAGE**

In our telephone conversation yesterday, 3/12/99 you advised that Management of the Tower Shopper had been notified on 3/1/99 that vendor operations on Friday nights on its parking lot were unauthorized. You also stated that if voluntary compliance could not be obtained, the Town has the option of assessing financial penalties for non-compliance. Please be advised that on 3/12/99 at 6:00 pm over 40 vendors were observed in operation on the lot.

Charles A. Buschel

PLEASE REPLY BY \_\_\_\_\_

NO REPLY NECESSARY \_\_\_\_\_

Adams  
5042**Memorandum**

# MEMORANDUM

TO: Mark Kutzner  
Development Services Director  
Town of Davis

FROM: Charles A. Berschil  
(954) 452-1347

DATE: March 20, 1999

SUBJECT:

## MESSAGE

On a telephone conversation on 3/12/99 you advised that Management of The Tower Shoppes had been notified on 3/11/99 that vendor operations on Friday nights on its parking lot were unauthorized and that seven days had been given to correct this condition. Please be advised that on 3/19/99 at 5:30 pm, over 35 vendors were observed on the parking lot with more arriving at that time.

Charles A. Berschil

Copy to: Mayor Kenia

NO REPLY NECESSARY

PLEASE REPLY BY  
4/2/99

Memorandum

Subject: Vendor Operations on The Tower Shoppes Parking Lot

Note for Candice Ordway

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**From:** Jim Smith  
**Date:** Mon, Mar 8, 1999 1:35 PM  
**Subject:** FW: Tower Shoppes/Outside Vendors  
**To:** Bob Rawls; Candice Ordway; Dianne Golden; Grace Hall; Harry Venis

FYI

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From: Robert Harris on Mon, Mar 8, 1999 12:39 PM  
Subject: Tower Shoppes/Outside Vendors  
To: Jim Smith

Welcome back Jim, I'm happy to hear your good news. Just wanted to touch base with you on the vendors at the car show. Bob Taylor and I went there on 2/26/99 and counted 60 vendors. Per Mark, I cited the Tower Shoppes for outdoor activity 12-33(w)(1), set for 3-30-99 Special Master Hearing. I hand delivered vio. letter to property mgr. Rick Stotz and he advised that the vio. will be corrected. I will monitor the show on 3-19 & 3-26 and advise you of status.

Clarify -  
car show itself is Not a violation  
the vendors are the violation

Note for Candice Ordway

From: Micki Mackenzie  
 Date: Mon, Mar 15, 1999 10:23 AM  
 Subject: FW: Vendors at the Tower Shops  
 To: Bob Rawls; Jim Smith; Mark Kutney  
 Cc: Candice Ordway

*Note to Mayor*  
*Possibility of permit*  
*for limited # of vendors,*  
*with restrictions on use?*  
*BC*

I just received a call from Mr. Stotz, he called to inform me that he is doing everything possible to remove the outside vendors from the property. He personally went around to each vendor and asked them not to come back; however, he feels they will not adhere to his instructions. He has informed Mike, the president of Fla Street Rods, that if the vendors are not removed the car show will be canceled.

From: Micki Mackenzie on Thu, Mar 11, 1999 9:04 AM  
 Subject: FW: Vendors at the Tower Shops  
 To: Candice Ordway; Jim Smith

Please see my message to Bob below.

From: Micki Mackenzie on Tue, Mar 9, 1999 1:46 PM  
 Subject: RE: Vendors at the Tower Shops  
 To: Bob Rawls

We have not cited the car show, only Turnberry Associates and the Tower shops. However, the Tower Shops did send a letter to the car show telling them that the vendors must go. Yesterday I received a phone call from Sid Morra, vice-president of the car show. He told me that the car show brought in the vendors to offset the cost of insurance that Tower Shop made them get. He advised me that if the vendors had to go, that the car show would probably not be able to continue for much longer. Bob Harris has a copy of the letter that Tower Shops sent to Florida Street Rods, if you would like to see it.

From: Bob Rawls on Tue, Mar 9, 1999 1:13 PM  
 Subject: RE: Vendors at the Tower Shops  
 To: Micki Mackenzie

PLS CONFIRM THAT WE HAVE NOT CITED THE INDIVIDUALS BRINGING THEIR CARS AND PARKING. RR

From: Micki Mackenzie on Thu, Mar 4, 1999 3:17 PM  
 Subject: Vendors at the Tower Shops  
 To: Bob Rawls; Dick Stanton; Jim Smith; Mark Kutney

Bob Harris has hand delivered the Notice of Violation to Richard Stotz of the Tower Shops. Mr. Stotz was very cooperative and will start working towards compliance immediately. He is sending a letter to Sid Morra of Florida Street Rods to enlist his help in clearing out the vendors. Bob will continue to monitor the property and keep everyone up to date on the progress.

# Turnberry Associates

Certified Mail #Z 126745715  
Return Receipt Requested  
Hand Delivered

March 5, 1999

Mr. Mike Lepurage, President  
Florida Street Rods  
11430 N. W. 35th St.  
Sunrise, Fl. 33323

Dear Mike:

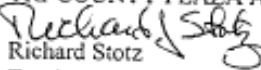
We have received a Notice of Code Violation from the Town of Davie, Code Compliance Division, with regards to the vendors at the Friday evening car show. The outside vending must cease immediately.

I know that you have recently taken effort to correct this situation. As we discussed, the car show itself is not a problem, but the vendors must be eliminated. If this is not accomplished, the entire car show will be cancelled. Therefore, we ask that you make every effort to correct this situation.

The owners and management of the Tower Shops intend to fully comply with all Town of Davie codes and statutes and will take whatever steps are necessary to correct the problem.

Your cooperation will be most appreciated.

Sincerely  
TRI-COUNTY PLAZA ASSOCIATES, LTD.

  
Richard Stotz  
Turnberry Associates  
General Manager

cc: John Meunier  
Marcie Getelman  
Robert Harris-Davie Code Enforcement

# 611

Gayle  
Page 1  
Mark

Note for Grace Hall

From: Candice Ordway  
Date: Wed, Jan 27, 1999 1:42 PM  
Subject: HOME DEPOT  
To: Gayle Easterling  
Cc: Dick Stanton; Grace Hall

GAYLE,

Bob gave me the following message and wanted planning to take a look at it...he wants planning to look at the concerns at Home Depot - specifically the following complaints have been noted:

- 1) storing of shopping & lumber carts in front sidewalk area
  - 2) loading & unloading - which obstructs s/w area and blocks fire lane
  - 3) Product display at garden center
  - 4) loading & storage action on east side of building
  - 5) requests that we site the outside vendors at the car show held every other weekend
- Bob wants the code checked to see if they address any of the above concerns and then someone sent out to verify if any of this activity is taking place. Please advise as soon as you can and this is a very hot issue with the residents that live in Nova. Thanks.

CANDICE - SEE ATTACHED.

BOB HARRIS CALLED THE ATTY FOR HOME DEPOT TO ATTEMPT TO GET COMPLIANCE. HE WILL RECHECK THE SITE ON WEDS OR THURSDAY. IF THEY HAVE NOT CLEANED UP HE WILL ISSUE CITATION. PLEASE NOTE

THERE IS A PREVIOUS CODE ENF.

"AGREEMENT" THAT ALLOWS FOR OUTSIDE STORAGE WHICH IS SCREENED FROM PUBLIC VIEW. CITATION, IF APPROPRIATE, WILL CONSIDER REQ'TS OF AGREEMENT.

Pls. provide details  
and T.C. approval.  
JC

Gayle

**DEVELOPMENT SERVICES DEPARTMENT**  
Code Compliance Division

**MEMORANDUM**

DATE: February 3, 1999

TO: Robert Rawls, Interim Town Administrator

FROM: Robert Harris, Code Compliance Inspector

RE: Home Depot

In response to this mornings E-Mail I went to Home Depot observed and photographed the following violations:

Outside display of lawn mowers and pressure cleaning equipment in front sidewalk area. The storage of shopping and lumber carts in the front sidewalk area. The loading of merchandise into vehicles in front of the garden center, in fire lane. Outside product display in front of garden center. Outside storage on east side of building (rear) and commercial truck parking in rear.

Additionally, I observed and photographed Home Depot's "Load N Go" rental truck parked in the public parking lot.

cc: Dick Stanton  
Gayle Easterling

*What actions have been initiated  
regarding the above. Provide  
followup and respond to Mayor's  
requests.*

*PH*

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IN THE CIRCUIT COURT OF THE  
SEVENTEENTH JUDICIAL CIRCUIT, IN  
AND FOR BROWARD COUNTY, FLORIDA

Case No.: 90-103

Appeal Case No.: 90-22251 13

HOME DEPOT U.S.A., INC.,  
a Delaware corporation,

Respondent/Appellant,

vs.

THE TOWN OF DAVIE,  
Broward County, Florida,  
a Florida municipal corporation,

Petitioner/Appellee.

STIPULATION OF SETTLEMENT AND ORDER

Respondent/Appellant, HOME DEPOT U.S.A., INC., a Delaware corporation, also known as THE HOME DEPOT ("HOME DEPOT"), and Petitioner/Appellee, THE TOWN OF DAVIE, Broward County, Florida, a Florida municipal corporation ("DAVIE"), by and through their respective attorneys, hereby stipulate and agree as follows:

1. This matter is before this Court pursuant to an appeal from a FINAL ORDER issued by the Town of Davie Code Enforcement Board, Case No. 90-103, dated June 25, 1990 (the "FINAL ORDER").
2. HOME DEPOT operates a Home Depot Store in the TOWN OF DAVIE, which store is located at 2300 South University Drive, Davie, Florida.
3. At a hearing before the Code Enforcement Board of DAVIE, pursuant to Notice on the 7th day of June, 1990, the Code Enforcement Board of DAVIE determined that HOME DEPOT violated certain of its ordinances, as set forth

in the FINAL ORDER, which finding has been disputed by HOME DEPOT and is the subject matter of this appeal.

4. The parties recognize that due to the size of the Home Depot Store, and the volume and type of merchandise delivered to and sold by HOME DEPOT in its store, HOME DEPOT has unique and special problems with respect to the delivery of merchandise to its store, and the transfer of same from delivery trucks into its store. As a result of such special and unique problems, the parties acknowledge and agree that it is difficult for HOME DEPOT to transfer merchandise directly from delivery trucks into its store.

5. The parties deem it in their mutual best interest to enter into this Stipulation of Settlement which will set forth various parameters relating to the delivery of merchandise to the Home Depot Store and the transfer of same into the store, so that the parties will know with specificity what actions will or will not result in a violation of the City's ordinances.

6. Accordingly, the parties agree that in connection with the delivery of merchandise to the Home Depot Store, HOME DEPOT shall be deemed to be actively loading and unloading its merchandise delivered to the HOME DEPOT store, and will not be deemed to be violating the ordinances referred to in the FINAL ORDER, provided such merchandise is transferred into the store within six (6) hours after same is delivered to the store, or by the close of business of the store on the day of such delivery, whichever occurs first. In the event HOME DEPOT violates such requirements, then HOME DEPOT will be presumed to have violated the ordinances of DAVIE referred to in the FINAL ORDER.

7. The parties acknowledge that at a hearing of the Code Enforcement Board held on the 4th day of October, 1990, the Code Enforcement Board

imposed a fine upon HOME DEPOT in the amount of \$17,400.00. It is agreed that in connection with this Stipulation, HOME DEPOT will be permitted to apply to the Code Enforcement Board of DAVIE for mitigation of the fine. The fine, as same may be mitigated by the Code Enforcement Board and Town Council, shall be paid by HOME DEPOT within ten (10) days after the Town Council mitigation decision.

AGREED AND ACCEPTED this 25th day of Nov, 1990.

BORKSON, SIMON & MOSKOWITZ, P.A.  
Attorneys for HOME DEPOT  
1500 Northwest 49th Street, Suite 401  
Fort Lauderdale, Florida 33309

JOHN HINDEN, ESQUIRE  
Attorney for DAVIE  
6591 Southwest 45th Street  
Davie, Florida 33314

By [Signature]  
ERIC A. SIMON

By [Signature]  
JOHN HINDEN

ORDER

THIS CAUSE, having come before this Court upon the Stipulation of the parties set forth above, and the Court having reviewed the file and being otherwise fully advised in the premises, it is therefore

ORDERED AND ADJUDGED that the foregoing Stipulation with settlement is hereby approved by this Court and the parties to comply with the terms and conditions of same. To *Verify with Barry Webb that this was fully executed* jurisdiction of the subject matter over the parties to force the terms of the Stipulation and to enter further proceedings. The terms of this Stipulation shall govern all further proceedings in this case.

DONE AND ORDERED at Fort Lauderdale, Broward County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 1990.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

THE TOWN OF DAVIE, Broward  
County, Florida, A Florida  
Municipal Corporation,  
Petitioner,

TOWN OF DAVIE CODE  
ENFORCEMENT BOARD

CASE NO. 92-126

v.

THE HOME DEPOT, BERNARD  
MARCUS and ARTHUR M. BLANK,

Respondents.

FINAL ORDER

THIS MATTER having come before the TOWN OF DAVIE, CODE ENFORCEMENT BOARD, for Final Hearing, pursuant to notice, on the 2nd day of July, 1992, and the CODE ENFORCEMENT BOARD having heard the statement of the Town Code Enforcement Officer, and having reviewed the Town File in the matter, and being otherwise fully advised in the premises, finds and orders as follows:

1. Upon testimony heard and the evidence received, it appears that Respondents have engaged in prohibited outdoor uses, are in violation of the conditions of the site plan for the property and have violated the Town's noise code and thereby disturbed the peace, all within the limits of the Town of Davie, Broward County, Florida. As a result, the Code Enforcement Board finds that Respondents have violated sections 12-33(w), 12-374(b) and 15-7(5), Davie Town Code, but also finds that said Davie Town Code Violations were corrected at the time of the Final Hearing in this matter.

2. That Respondents shall hereafter continuously comply with the aforesaid Davie Town Code Sections, and a failure to do so

shall be considered a violation of this order, and the matter will then be set for hearing before the Code Enforcement Board to consider the assessment of an administrative find of up to \$250.00 per day per violation, and the imposition of a lien as provided by section 162.09, Florida Statutes, for each day each such violation shall occur after the date set for compliance hereinabove.

3. The Code Enforcement Officer of the Town of Davie is hereby directed to make an inspection of the subject property upon the expiration of the time proscribed for compliance herein, or, upon receipt of notice from Respondents that Respondents have complied with this Board's Order, and thereafter from time to time to ensure compliance herewith, and to promptly report his findings regarding such inspection(s) to the Davie Code Enforcement Board.

4. In the event that the Code Enforcement Officer shall report to the Board that the Respondents have failed to comply with this Board's Order as set forth herein, the Board shall then consider the matter of an administrative fine and lien as set forth in section 162.09, Florida Statutes, and the Code Enforcement Board retains jurisdiction over this matter for such purpose.

DONE AND ORDERED in Davie, Broward County, Florida this 7<sup>th</sup> day of July, 1992.

Vote:

Yes: 5 No: 0

TOWN OF DAVIE  
CODE ENFORCEMENT BOARD

BY: 

EDWIN WEISL JR., Chairperson

Copies furnished:

THE HOME DEPOT, BERNARD MARCUS  
and ARTHUR M. BLANK  
(CERTIFIED MAIL)  
Clerk, Code Enforcement Board  
Counsel, Code Enforcement Board  
Town Prosecutor  
Code Inspector

\DAVIE\792\F3HOME

**TOWN OF DAVIE**  
6591 S.W. 45th Street  
Davie, Florida 33314-3399  
**Development Services Department**  
**Code Enforcement Division**  
(305) 797-1103

April 22, 1992

The Home Depot #222  
2300 S. University Drive  
Davie, FL 33324  
Certified Mail P 415 800 146

The Home Depot  
Bernard Marcus, Chairman  
Arthur M. Blank, President  
2727 Paces Ferry Road  
Atlanta, Ga 30339  
Certified Mail P 415 800 147

Re: Notice of Code Violations

Dear Home Depot:

The Town of Davie received a complaint of code violations existing at The Home Depot #222, 2300 S. University Drive, within the Town of Davie.

In response to the complaint, an inspection was conducted and the following code violations must be corrected:

**1) DAVIE TOWN CODE SECTION 12-33(w): OUTSIDE  
ACTIVITIES RESTRICTED.**

It is a violation of B-3 zoning and prohibited to store merchandise/materials outdoors. All storage shall be conducted within a completely enclosed building. All active loading, unloading, display, and storage shall be screened from public view and within the designated loading and unloading zone. Town of Davie Officials observed open storage of merchandise and materials stacked and exposed above the height of the concealment walls. Unloading and storage was observed out of the designated loading/unloading zone and not screened from public view. Additionally, pursuant to an order of stipulation and a settlement between the Home Depot and the Town of Davie dated November 28, 1990 (see attached copy), merchandise shall not be stored outdoors for a period to exceed six (6) hours after being delivered to the store. The Code Enforcement Division observed occasions of merchandise and materials stored outside of the confines of the building for periods exceeding six hours. This is a violation of the stipulation agreement and also the Final Order of the Code Board. This violation must be corrected within 7 days following receipt of this notice and thereafter shall not be allowed to reoccur.

**2) DAVIE TOWN CODE SECTION 12-374: VIOLATION OF SITE PLAN PROVISIONS.**

It is a violation of the approved site plan to modify or change the uses upon the premises. Merchandise and materials are now being stacked and stored exposed above the height of the concealment wall and visible to the public. This modification of use is in violation of the site plan which requires screening and concealment of all storage. Additionally, trucks have been observed being unloaded outside of the designated loading zones, and the off loaded merchandise stored unscreened from public view. This violation must be corrected within 7 days following receipt of this notice and thereafter shall not be allowed to reoccur.

**3) DAVIE TOWN CODE SECTION 15-7(5): VIOLATION OF TOWN OF DAVIE NOISE CODE/LOADING & UNLOADING DISTURBING THE PEACE.**

Loading, unloading, or other handling of merchandise, building materials, etc. between the hours of 7PM and 7AM shall be conducted in such a manner as not to cause a noise disturbance across a residential real property boundary. In response to neighborhood complaints, the Code Enforcement Division witnessed the occurrence of excessive noise from fork lifts operating after 7PM outside of the building, including loud beepers located on the fork lifts. The beepers were to be discontinued per a letter received by the Town of Davie on July 9, 1990 from The Home Depot Corporate property manager (see attached copy). This violation must be corrected within 7 days of receipt of this notice and thereafter shall not be allowed to reoccur.

Failure to correct the violations as described may result in the Town of Davie Code Enforcement Board taking legal action against you.

Should you have any questions or concerns regarding this matter, you are encouraged to contact the undersigned Code Enforcement Inspector at 797-1108. If you are unable to resolve this matter at that time, you may call the Code Enforcement Supervisor at 797-1103.

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Page 3  
Code Violations  
The Home Depot

Your anticipated cooperation will be appreciated by your neighbors and all concerned.

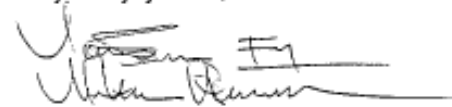
In the event that you are unable to resolve this matter with the Code Enforcement Inspector or Code Enforcement Supervisor, you have the right to seek mediation at no cost to yourself. The Town of Davie provides an independent, neutral, third party citizen mediator to discuss with you and a representative of the Town, the code violations alleged against you.

At mediation, you will have the opportunity to present your position and the Town will also be able to advise you of the Town's position. You may use an attorney if you desire, but an attorney is not necessary. If the case cannot be resolved at mediation, it will be scheduled for hearing by the Code Enforcement Board. Anything you say at the mediation hearing cannot be used against you, if the matter is presented at a Code Enforcement Board proceeding. You must call our office within five (5) days from the date of receipt of this letter to set up a mediation procedure here at Town Hall. Please call the mediation coordinator to set up your appointment for mediation. The mediator will appear at the mediation proceeding, as will the Code Enforcement Officer.

To schedule mediation, call Ivy Adamczyk, Mediation Coordinator, at 797-1110.

Thank you.

Very truly yours,



MICHAEL J. DONOVAN  
Code Enforcement Inspector

MJD/mm

Copy to: Jon Hinden, Town Prosecutor  
Matthew Wood, Senior Planner  
Eric A. Simon Esq. P.A.



BOB -

ATTACHED IS THE  
SETTLEMENT STIPULATION  
FOR HOME DEPOT THAT  
PROVIDES FOR  
MERCHANDISE TO  
BE OUTSIDE FOR UP  
TO 6 HRS OF THE  
CLOSE OF BUSINESS  
DURING LOADING  
ACTIVITIES. IT DOES  
NOT PROVIDE FOR  
SCREENED OUTSIDE  
STORAGE AS BOB HARRIS  
HAD INDICATED. TO MY  
KNOWLEDGE CODE HAS  
CITED THE VENDORS  
BUT NOT HOME DEPOT.





**Office of the Mayor  
& Town Council**

Administration 797-1030  
Administration Services 797-1020  
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Public Works 797-1240  
Utilities 433-4000

**TOWN OF DAVIE** 6591 Orange Drive, Davie, Florida 33314-3399

(954) 797-1000

Form # 611

Business, Residential Concern / Complaint

*also see  
622*

Date 1st Reported: 2-1-89

Name: Charles Buckle (Nona)

Address: \_\_\_\_\_

Telephone #: 452-1947

Routed To: (1.) Bob Lewis

(2.) \_\_\_\_\_

(3.) \_\_\_\_\_

(4.) \_\_\_\_\_

Brief summary of concern / complaint : \_\_\_\_\_

See Attached Memo

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Resolved : ☒ YES ☐ NO

Date Resolved : \_\_\_\_\_

Follow-Up Phone Call : ☒ YES ☐ NO

Date of Follow-Up Call : 2/26/99 - Called my Buckle  
on behalf of mayor & adv. that C.E.  
has been writing in it & vendors were, p.  
on notice

Please Return Form Within 48 Hours To Harry Venis

3/2/99 - spoke to Mr. Buckle and  
we had rec'd his concern

## MEMORANDUM

TO Mr. Harry Venis  
Mayor, Town of Davie

FROM Charles A. Buckel  
(954) 452-1447

DATE 1/25/99

SUBJ

Charles A. Buckel  
7528 SW 26 Ct.  
Davie, FL 33314

## MESSAGE

This is in reference to our meeting of 1/18/99 at which you stated the commitment that action would be taken to stop commercial operations at the Tower Shoppes parking lot on Friday nights. On the evening of 1/22/99 it was noted that approximately 50 business activities of various types and sizes were in operation at the parking lot.

Charles A. Buckel

Copy TO: Robert Dawls

NO REPLY NECESSARY

PLEASE REPLY BY  
Adams  
2142

Memorandum

## MEMORANDUM

TO Mr. Harry Venis  
Mayor,  
Town of Davis

FROM Charles A. Buchel

(954) 452-1947

DATE

2/1/99

SUBJECT

## MESSAGE

This is in reference  
at which you at  
that action would  
commercial opera  
Shoppers parking  
On the evening I  
noted that approx  
activities includ  
stand were in op  
parking lot.

Attach  
This TO my  
LAST Complaint  
Form

1/18/99

tment  
stop  
lawy  
night  
was  
business  
am

on at the  
Charles A. Buchel

PLEASE REPLY  
E-ADVIS  
9042

Copy to: Robert Rauls

NO REPLY NECESSARY

Memorandum

MEMORANDUM

TO: Mr. Harry Veris  
Mayor, Town of Davis

FROM: Charles A. Buckel  
(954) 452-1947

DATE: 2/8/99

SUBJECT:

MESSAGE

This is in reference to our meeting of 1/18/99 at which you stated the commitment that action would be taken to stop commercial operations at the Tower Shoppers parking lot on Friday nights. In that meeting you stated that "things have obviously gotten out of hand" on that lot. In this regard, on the evening of 2/5/99 a "mountain climbing experience" was held to have been added to the flea market/carnival atmosphere on that lot. You have not yet returned my call of this morning, and I am requesting that you do so as soon as possible.

COPY TO: Robert Rawls

NO REPLY NEEDED Charles A. Buck

PLEASE REPLY BY

Memorandum

## MEMORANDUM

TO Mr. Harry Venis  
Mayor  
Town of Davis

FROM Charles A. Buckel  
(954) 452-1947

DATE 2/15/99

SUBJECT

## MESSAGE

This is in further reference to our meeting of 1/18/99 and our recent phone discussion of 2/9/99 during both of which you stated the commitment that action was being taken to stop commercial operations at the Tower Shoppers parking lot on Friday nights. Since there has been no change whatsoever as of 2/12/99 in conditions or that parking lot, I am asking that you advise me as to what specific actions have been taken and status thereof. I would appreciate an early response to this request.

Charles A. Buckel

Copy to: Robert Lawls

NO REPLY NECESSARY

PLEASE REPLY BY  
2/16/99

Memorandum

**DEVELOPMENT SERVICES DEPARTMENT**  
**Code Compliance Division**

**MEMORANDUM**

DATE: February 3, 1999

TO: Robert Rawls, Interim Town Administrator

FROM: Robert Harris, Code Compliance Inspector

RE: Home Depot

In response to this mornings E-Mail I went to Home Depot observed and photographed the following violations:

Outside display of lawn mowers and pressure cleaning equipment in front sidewalk area. The storage of shopping and lumber carts in the front sidewalk area. The loading of merchandise into vehicles in front of the garden center, in fire lane. Outside product display in front of garden center. Outside storage on east side of building (rear) and commercial truck parking in rear.

Additionally, I observed and photographed Home Depot's "Load N Go" rental truck parked in the public parking lot.

cc: Dick Stanton  
Gayle Easterling

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Office of the Mayor  
& Town Council

Administration 797-1030  
Administration Services 797-1020  
Budget & Finance 797-1050  
Community Services 797-1145  
Development Services 797-1103

Engineering 797-1113  
Fire Department 797-1090  
Police Department 797-1200  
Public Works 797-1240  
Utilities 433-4000

TOWN OF DAVIE

6591 Orange Drive, Davie, Florida 33314-3399

(954) 797-1000

Form # 546

Business, Residential Concern / Complaint

Date 1st Reported: 12-23-98

DATE POLICE APPROPRIATE

Name: Charles Buckel

Address: \_\_\_\_\_

Telephone #: 4152--1947

Routed To: (1.) Bob Smith

(2.) 12/29/98 - Jim Smith

(3.) Chief Bob McDaniel

(4.) lt Engle - 12-31-98

Brief summary of concern / complaint: \_\_\_\_\_

Please Review Letter & Respond to Mr. Buckel

Resolved: \_\_\_\_\_

☒ YES

☐ NO

Date Resolved: 1/20/99

Follow-Up Phone Call: \_\_\_\_\_

☐ YES

☒ NO

Date of Follow-Up Call: LETTER WRITTEN AS

REQUESTED BY COMPLAINANT

Please Return Form Within 48 Hours To Harry Venis



**TOWN OF DAVIE  
POLICE DEPARTMENT**

OFFICE OF THE CHIEF

6901 ORANGE DRIVE • DAVIE, FL 33314-3399  
(954) 797-1205  
(954) 797-1214 FAX

JACK P. MACKIE  
CHIEF OF POLICE

January 20, 1999

Mr. Charles Buckel  
7529 S.W. 26 Court  
Davie, FL 33314

Dear Mr. Buckel:

I am writing in response to your letter dated December 21, 1998, regarding the noise problem being generated by operators of, "hot rods, mufflerless vehicles, trucks and vans equipped with built in noise systems designed to put out maximum pulsating sounds . . . .", in the south end parking lot at Tower Shops. First, I am glad that the efforts of the Community Policing Unit have made an impact on the problem that you brought to our attention in your letter of November 21. It has been our experience that the persons who participate in this event on Friday nights are always willing to cooperate and have complied with the requests we have made.

We have had officers present to monitor the noise level you described and in particular the complaints about the hot rods, muffler less vehicles and sound systems. Let me assure you that any and all violations of the State Law that pertain to the operation of vehicles have been and will continue to be enforced. We have brought this problem to the attention of the officers who work the afternoon shift in this area, as well as the officer who works at the Tower Shops in an off duty capacity of Friday nights.

The commercial displays you addressed in your letter are being reviewed by the Building Department as they would fall under their purview.

We will continue to monitor the problem and take enforcement action as is warranted. If we can be of further service to you please feel free to contact us accordingly.

Sincerely,

  
Robert McDaniel  
Interim Chief of Police

BY:   
Lt. Ed Taylor  
Special Operations Unit

WE SERVE AND PROTECT

7529 SW 26 Ct.  
Davie, FL 33314  
December 21, 1998  
(954) 452-1947

Mr. Harry Venis  
Mayor, Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Dear Mayor Venis:

This is a follow up to our letter of November 16, 1998 concerning the noise pollution problem on Friday nights at the Tower Shoppes parking lot.

Over the past three weeks there has been a decided reduction in the volume level used by the "emcee" at the car club's "cruise night" at that location and it is now at a tolerable level. Whatever action(s) by your code enforcement and/or police department officials that might have influenced this are very greatly appreciated. At Mr. Tim Smith's suggestion, I will make follow-up contact with him and/or police department

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management if that problem again rises to an unacceptable level. Thanks for your assistance on this!

A different, although related noise problem remains. This is generated by numerous operators of hot-rods, muffler-less vehicles, trucks and vans equipped with built-in noise systems designed to put out maximum pulsating sounds, vehicles with low chassis scraping the parking lot surface with sparks flying along with resultant noise, etc. These vehicles tend to congregate in the south portion of the parking lot and I have observed that the noise from these vehicles has varied substantially and seems to depend on how many show up on any given Friday night.

The primary magnet that draws these vehicle operators along with the many hundreds of other people to the Tower Shoppes on Friday nights is the collection of commercial display

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(2)

and sales businesses that are set up to operate on that parking lot. These people are selling everything from auto supplies to T-shirts to model cars to paintings to stuffed animals, etc. etc with a resultant commercial flea market atmosphere prevailing.

Last year in discussions with Mr. Norman Buskin of your Code Enforcement office I was told that such commercial operations are not authorized and that the town's response in such instances is to take appropriate follow-up action with the property owner/manager. This was also confirmed in recent discussion with Mr. Smith.

Last Friday night, December 16, 1998 I observed between 35-40 business operations of various size and description on that parking lot. What is

being done to curtail these  
apparently unauthorized, weekly  
business operations???. I will  
be temporarily not able to be  
reached by phone, but would  
appreciate from you or your  
staff some form of written  
response to this latter issue.

Thanks again for your  
assistance.

Sincerely,

Charles A. Buckel

cc: Mr. Tim Smith

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Office of the Mayor  
& Town Council

Administration 797-1030  
Administration Services 797-1020  
Budget & Finance 797-1050  
Community Services 797-1145  
Development Services 797-1103

Engineering 797-1113  
Fire Department 797-1090  
Police Department 797-1200  
Public Works 797-1240  
Utilities 433-4000

TOWN OF DAVIE 6591 Orange Drive, Davie, Florida 33314-3399

(954) 797-1000

Form # 522

Business, Residential Concern / Complaint

Date 1st Reported: 11-18-98

Name: <sup>Charles</sup>  
~~Ernest~~ Buckel / Mary Buckel

Address: \_\_\_\_\_

Telephone #: 452-1947

Routed To: (1.) Bob Rawls  
(2.) 11/18/98 - Jim Smith  
(3.) \_\_\_\_\_  
(4.) \_\_\_\_\_

Brief summary of concern / complaint: Please Take Care of This  
through Code Enforcement

Resolved: ☒ YES ☐ NO

Date Resolved: 11/23/98

Follow-Up Phone Call: ☐ YES ☐ NO

Date of Follow-Up Call: \_\_\_\_\_

Please Return Form Within 48 Hours To Harry Venis

7529 SW 26 Ct.  
Davie, FL 33314  
November 16, 1998  
(954) 452-1947

Mr. Harry Venis  
Mayor, Town of Davie  
6591 Orange Drive  
Davie, FL 33314

Dear Mayor Venis:

The purpose of this letter is to bring to your attention a problem requiring resolution in our community. It pertains to a persistent condition of unwarranted noise pollution.

My wife and I are homeowners, retired, tax payers, have been voting residents of this community for over five years, and reside directly across Nova Drive from the Tower Shoppes area near University Drive.

Over the past couple of years, on practically every Friday night that we have been home, we

have noted a loud, deep extremely low frequency beating sound emanating from the parking lot of the Tower Shoppes. This noise is being highly amplified through use of one or more pieces of equipment in connection with a group of auto enthusiasts who have apparently somehow been authorized to use that parking area as a club meeting place on Friday nights between 7-11 p.m. The noise jars our residence and senses, making rest and relaxation difficult if not impossible during these periods.

During the months of November and December, 1997 I complained about these disturbances to Mr. Norman Buskin, Manager of your Code Enforcement unit. Some temporary relief seemed to be obtained for a week or two, but then shortly thereafter the weekly disturbance resumed. Early this month I visited Officer Robert Labelle of your Community Policing Unit at

the town police station to make a renewed complaint regarding this same problem. In addition, over the past couple of years I have called in numerous complaints on various Friday evenings through your police department, and on these occasions have spoken with the Broward Sheriffs Office dispatcher, and on a few of these occasions noted that temporary relief was obtained, only to have the same problem resume the following Friday night. I am aware of other residential occupants in this area who have also had to resort to such calls. The most recent incident <sup>of excessive noise</sup> occurred over a three hour period until after 11 p.m. on Friday, November 13, 1998.

I would like to make an important distinction at this point in this communication. My wife and I do not object in any way to the auto enthusiasts

meeting at the Tower Shoppes parking area as long as the group is complying with all permit conditions that we assume have been carefully established by the Town of Davis giving permission to the Tower Shoppes property owner, or to the auto group to have their meetings at this location. We do, however, strenuously object to the persistent bombardment of noise pollution emanating from that location as an obvious by-product of these meetings because this has constituted an assault on our audio senses and upon the peace and tranquility of this community.

Some form of corrective action is clearly necessary to halt these conditions of audio pollution. If, as you explore these circumstances, it is maintained by anyone involved that the noise herein complained about is not at an unreasonable level, we will invite you to our residence on a series of Friday nights.

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so that you can personally draw your own conclusions. We seriously doubt that you would permit this type of condition to exist near your own personal residence over a prolonged period of time.

We are reasonable people, and not overly critical, however we also have a good sense of when a community's well being is being unnecessarily violated. We are appealing to you for some type of decisive action to rectify this problem with a permanent solution and would appreciate hearing back from you soon with respect to this matter.

Sincerely,

Charles A. Buckel  
Mary Lou Buckel

Copy to: Mr. Norman Buskin, Code Enforcement Mgr

Copy to: Ofc. Robert Labelle, Community Policing Unit

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Note for Candice Ordway

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**From:** Jim Smith  
**Date:** Mon, Nov 23, 1998 2:47 PM  
**Subject:** FW: TOWER SHOPPE NOISE COMPLAINT  
**To:** Harry Venis  
**Cc:** Candice Ordway; Grace Hall

Complaint #522: I spoke with Mr. Buckel on the 19th when the complaint was received, and again today when informed him of our findings. Also, that we would go back out there in two weeks, to varify the noise level.

---

From: Norman Buskin on Mon, Nov 23, 1998 10:14 AM  
Subject: TOWER SHOPPE NOISE COMPLAINT  
To: Jim Smith

JIM, I TOOK THE SOUND METER TO THE TOWER SHOPPES FRIDAY EVENING. AS ALWAYS, THIS WAS A BIG EVENT, THERE MUST HAVE BEEN OVER A THOUSAND PEOPLE THERE. THE MUSIC WAS CLOSER TO UNIVERSITY AND DID NOT EVEN MOVE THE METER NEEDLE. ON OCCASION SOMEONE WOULD REV AN ENGINE BUT EVEN THAT DID NOT MOVE THE NEEDLE. THE AMBIANT TRAFFIC NOISE OF SHOPPERS WAS LOUDER THAN THE EVENT. A NOISE CODE VIOLATION DID NOT OCCUR ON FRIDAY NIGHT. MR. BUCKLE IS THE ONLY PERSON THAT HAS COMPLAINED ABOUT NOISE. I WILL TRY AGAIN ON FRIDAY IN TWO WEEKS. THEY USUALLY DO NOT HAVE EVENTS ON HOLIDAY WEEK ENDS.

*CC: Mayor Venis*

*[Handwritten signature]*

DAVIE POLICE DEPARTMENT

MEMORANDUM

TO: Lt. Ed Taylor      DATE: December 5, 1998

THRU:

FROM: Officer Robert Labelle #265 *[Handwritten: 522, 1/10/98]* *[Handwritten signature]*

SUBJECT: Noise complaint / Tower Shops

Several weeks ago, Mr. Charles Buckel came into the department and spoke to me about the noise problem at Tower Shops on Friday nights. I told Mr. Buckel that I, and our unit, would look into same. Over the past few weeks, Officers Spates and Hart have monitored the situation at the Tower Shops on Friday nights and found that the noise that Mr. Buckel was upset about was not from the disc jockey at the car show, but emanating from cars (low riders, mustangs etc..) that park in the lot, and are not officially associated with the car show whatsoever.

Officer Spates has spoken with the individuals believed to be associated with the noise and he, Spates, believes the problem will diminish, if not be eliminated shortly.

Since speaking with Mr. Buckel, I have received a letter from him, a copy of one he sent to Mayor Venis, complaining about the noise. I have not spoken to Mr. Buckel since.

I am attaching a letter that I drafted and request your approval of it, and ask that it be sent through the chain to be mailed to Mr. Buckel.

*[Handwritten: 12/16/98]*



**TOWN OF DAVIE  
POLICE DEPARTMENT**

OFFICE OF THE CHIEF

6901 ORANGE DRIVE • DAVIE, FL. 33314-3399

(954) 797-1205

(954) 797-1214 FAX

JACK P. MACKIE  
CHIEF OF POLICE

December 7, 1998

Mr. Charles Buckel  
7529 S.W. 26 Court  
Davie, Florida 33314

Dear Mr. Buckel:

With regard to your complaint about the noise (loud, deep, low frequency beating sound) emanating from the Tower Shops Plaza on Fridays nights, myself and Officer Greg Spates have been monitoring this situation for the past three Friday evenings and have found that the noise you described is not coming from the disc jockey at the car show, but from the radios of vehicles not associated with the car show itself.

Officer Spates has spoken to the group of individuals believed to be causing the disturbance that you brought to my attention, and subsequently wrote about to Mayor Venis. It is believed that this noise will diminish a great deal, if not disappear altogether over the next few weeks, as our Holiday Patrol increases in the area. I have also been in touch with the Tower Shops Management office regarding your complaint and they will support us in any manner we see fit.

In conclusion, the Davie Police Departments Community Policing Unit is very determined to assist you with your problem and will work to bring this to a positive solution. Please feel free to contact this office at anytime should you have any questions.

Sincerely,

  
Robert McDaniel  
Interim Police Chief

BY:   
Officer Robert Labelle  
Community Policing Unit

WE SERVE AND PROTECT